

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
Sue FENG et al.)	Group Art Unit: 1619
)	
Application No.: 10/699,780)	Examiner: VENKAT, J.
)	
Date Filed: November 4, 2003)	Confirmation No.: 5902
)	
For: METHODS OF PROVIDING)	
INTENSE COLOR TO COSMETIC)	
COMPOSITIONS USING AT LEAST)	
ONE HETEROPOLYMER (AS)	
AMENDED))	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

TERMINAL DISCLAIMER

Assignee, L'Oréal, S.A., duly organized under the laws of France and having its principal place of business at 14 Rue Royale, 75008 Paris, France, through its attorneys, represents that it is the assignee of the entire right, title, and interest in and to the above-identified application, Application No. 10/699,780, filed November 4, 2003, for METHODS OF PROVIDING INTENSE COLOR TO COSMETIC COMPOSITIONS USING AT LEAST ONE HETEROPOLYMER (AS AMENDED), in the names of Sue Feng and Mohamed G. Kanji, as indicated by assignment duly recorded in the United States Patent and Trademark Office at Reel 012411, Frame 0820, on December 28, 2001, in the parent case, U.S. Application No. 09/971,028, which issued as U.S. Patent No. 6,716,420 on April 6, 2004.

Assignee further represents that it is and at all times has been the assignee of the entire right, title, and interest in and to the following U.S. patents:

U.S. Patent No. 7,008,619, filed April 15, 2003, in the names of Sue Feng and Mohamed Kanji, for METHODS OF USE AND OF MAKING A MASCARA COMPRISING AT LEAST ONE COLORING AGENT AND AT LEAST ONE POLYAMIDE POLYMER CHOSEN FROM THE ETHYLENEDIAMINE/STEARYL DIMER TALLATE COPOLYMER, as indicated by the assignment filed and duly recorded in the United States Patent and Trademark Office at Reel 012411, Frame 0820, on December 28, 2001, in the parent case, U.S. Application No. 09/971,028, which was filed on October 5, 2001, and which issued as U.S. Patent No. 6,716,420 on April 6, 2004.

U.S. Patent No. 7,276,547, filed December 12, 2000, in the names of Carlos Pinzon and Paul Thau, for COMPOSITIONS COMPRISING HETEROPOLYMERS AND AT LEAST ONE OIL-SOLUBLE POLYMERS CHOSEN FROM ALKYL CELLULOSES AND ALKYLATED GUAR GUMS, as indicated by the assignment filed and duly recorded in the United States Patent and Trademark Office at Reel 011765, Frame 0183 on April 26, 2001.

U.S. Patent No. 7,314,612, filed December 20, 2002, in the name of Véronique Ferrari, Carlos O. Pinzon, and Paul Thau for COSMETIC COMPOSITIONS CONTAINING AT LEAST ONE HETEROPOLYMER AND AT LEAST ONE GELLING AGENT AND METHODS OF USING THE SAME, as indicated by the assignment filed and duly recorded in the United States Patent and Trademark Office at Reel 013607, Frame 0258, on December 20, 2002.

U.S. Patent No. 7,351,418, filed November 22, 2004, in the name of Nathalie Collin, for COSMETIC COMPOSITION COMPRISING A POLYMER BLEND, as indicated by the assignment filed and duly recorded in the United States Patent and Trademark Office at Reel 013142, Frame 0645, on August 1, 2002, in the parent case, U.S. Patent Application No. 10/012,029, filed December 11, 2001, which issued as U.S. Patent No. 6,835,399 on December 28, 2004.

U.S. Patent No. 7,410,636, filed June 11, 2003, in the name of Nathalie Collin, for COSMETIC COMPOSITION COMPRISING A POLYMER AND FIBRES, as indicated by the assignment filed and duly recorded in the United States Patent and Trademark Office at Reel 020413, Frame 0356, on January 24, 2008.

To obviate a double patenting rejection, Assignee hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application that would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §§ 154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Patent Nos. 7,008,619, 7,276,547, 7,314,612, 7,351,418, and 7,410,636, which are listed above. Assignee hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors, or assigns.

In making the above disclaimer, Assignee does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of U.S. Patent Nos. 7,008,619, 7,276,547, 7,314,612, 7,351,418, and 7,410,636 as presently

shortened by any terminal disclaimer, in the event that any of these patents later expire for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or in part, is terminally disclaimed under 37 C.F.R. § 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated before the expiration of its full statutory term as presently shortened by any terminal disclaimer.

In accordance with the fee schedule in 37 C.F.R. § 1.20(d), the required fee of \$140.00 is being filed with this disclaimer.

If the required fee is not filed concurrently herewith or if there are any additional fees due in connection with the filing of this Terminal Disclaimer, please charge the fees to Deposit Account No. 06-0916. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to Deposit Account No. 06-0916.

The undersigned is an attorney of record.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: November 18, 2009

By: 

Lori-Ann Johnson
Reg. No. 34,498